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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) - Chapter III, preparation for trilogue

Introduction

1. At the DAPIX meeting of 2nd September 2015 and with a view to the next trilogue, the Presidency invited delegations to discuss, on the basis of document 11082/15,

   – Chapter III – Rights of the data subject
   – Relevant definitions in Article 4, in particular definitions (2b) (EP), (3a) (EP), (3a) (Council), (7), (7a) (EP), (12a) (Council)
   – Relevant recitals: 46, 47, 48, 49, 50, 51, 52, 53, 54, 54a (EP), 54a (Council), 55, 56, 57, 58, 58a (EP), 58a (Council)

2. Taking into account the General Approach reached on 15th June 2015 which constitutes the basis of the negotiation mandate for the Presidency, taking into account the discussions at the DAPIX meeting of 2nd September 2015, as well as considering the European Parliament's position on Chapter III, the Presidency has put together compromise suggestions in the 4th column of the document in annex with a view to the next trilogue. The Presidency invites delegations to share their views on these suggestions.

3. The Presidency wishes to underline that provisions relating to the processing of personal data for archiving purposes in the public interest or for scientific, statistical and historical purposes are to be discussed as they appear in Chapter III, notwithstanding further discussions on related issues in Chapter IX at a later stage.

   Delegations are reminded that the next trilogue will not address issues related to flexibility for the Member States' public sector which the Presidency proposes to discuss comprehensively when addressing Articles 1(2a), 2, 6(3) and 21.

4. The Presidency wishes to indicate that recitals will be adapted at a later stage in accordance with the changes made in the relevant articles. Delegations will therefore notice that no text has been included on the recitals at this stage.

5. In order to ensure an efficient discussion process, as well as to maximise its clarity, the Presidency chose to divide the different provisions into two categories.

The first category relates to provisions:

– on which the co-legislators have a consensual view (point 6); or

– where the Presidency intends to maintain the Council's General Approach (point 7); or

– where the Presidency identified flexibility from Member States and proposes compromise suggestions (point 8).

With regard to this category, the Presidency takes the view that no further discussion is needed. However, in case delegations wish to raise any crucial point or to provide further input relating to these articles, they may do so under point 10.

The second category (point 9) relates to provisions that require a compromise. In this context, the Presidency invites delegations to to give their views on the compromise suggestions made by the Presidency.

Preparation for trilogue

6. Considering the position of the European Parliament and the Council's General Approach, delegations will note that there is a consensus on:
   - Article 12 (5), (6)
   - Article 14 (7), (8)
   - Article 15 (3), (4)
   - Article 17 (1(a)), (1(d)), (7)
   - Article 18 (1), (3)
   - Article 20 (4)

The Presidency takes the view that no additional discussion is necessary on these provisions.

7. The Presidency suggests to maintain the Council's General Approach as regards:
   - Article 4 (3a), (7), (12a)
   - Article 11
   - Article 12 (1a), (4), (4a)
   - Article 13
   - Article 14 (1) chapeau, (1(a)), (1(b)), (1a) chapeau, (1a(b)), (1a(c)), (1a(e)), (1a(ea)), (1a(f)), (1a(g)), (1a(h)), (1b), (2), (3), (4), (5), (6).
   - Article 14a (1) chapeau, (1(a)), (1(b)), (2) chapeau, (2(a)), (2(c)), (2(d)), (2(e)), (2(ea)), (2(f)), (2(g)), (2(h)), (3) chapeau, (3(a)), (3(b)), (3a), (4) chapeau, (4(a)), (4(b)), (4(c)).
   - Article 15 (1) chapeau, (1(a)), (1(c)), (1(e)), (1(f)), (1(g)), (1(h)), (1a), (1b), (2), .
   - Article 16
   - Article 17 (1(b)), (1(c)), (1(e)), (2), (2a), (3) chapeau, (3(a)), (3(b)), (3(c)), (3(d)), (3(e)), (3(g)), (4), (5), (6), (8), (9)
   - Article 17a (1) chapeau, (1(a)), (1(b)), (1(c)), (3), (4)
   - Article 18 (2) chapeau, (2(a)), (2(b)), (2a)
   - Article 19
   - Article 20 (1), (1a),(1b), (2), (3), (5)

The Presidency takes the view that no additional discussion is necessary on these articles. However, in case delegations wish to raise any crucial point or to provide further input relating to these provisions, they may do so under point 10. Where the text from the European Parliament has not been taken on board by the Presidency, the 4th column is left empty.

8. With regard to the position of the European Parliament and the Council's General Approach, as well as Member States' comments during the DAPIX meeting of 2nd September 2015, the Presidency considers that compromises can be found on a certain number of provisions:

Article 12 – Transparent information, communication and modalities for exercising the rights of the data subject

– The Presidency considers that some elements of the European Parliament's Article 11 could be incorporated into Article 12(1). The Presidency suggests therefore to add the words "*a concise, transparent*"

– At the end of Article 12(2), the European Parliament added the sentence "Where the data subject makes the request in electronic form, the information shall be provided in electronic form where possible, unless otherwise requested by the data subject." The Presidency considers this a useful precision and suggests to include it in Article 12(2).

– Concerning Article 12(3), the Presidency suggests to introduce the terms "*and seeking a judicial remedy*".

Article 13 a (new) – Standardises information policies

– The Presidency noted that delegations show a certain openness for the principle of introducing "icons", subject to the following clarifications and conditions:

  - the use of such icons can only take place on a voluntary basis;

  - the definition and content of these icons is not to be done in this Regulation but rather by tasking the Commission or the European Data Protection Board;

- the articulation of these icons with the obligations to provide information as contained in Articles 14 and 14a;

- the articulation with certification mechanisms as provided for in Chapter IV, Section V.

Article 14 – Information to be provided where the data are collected from the data subject
Article 14a – Information to be provided where the data have not been obtained from the data subject

– With regard to Article 14(1a(a new)), the Presidency suggests to introduce the European Parliament's Article 14(1(c)). The same addition has been made in Article 14a(2(b new)). Concerning Article 14(1a(d)), the Presidency suggests to introduce wording from the European Parliament's Article 14(1(g)) "*and the existence or absence of an adequacy decision by the Commission, or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them, or where they have been made available*". The same addition has been made in Article 14a(2(da)).
– The Presidency suggests not to take on board Article 14(1(ha)), 14(4(ba)) and 14(5(b)) of the European Parliament.

Article 15 – Right of access for the data subject

– The Presidency suggests not to take on board the terms "*at any time*" in Article 15(1). The Presidency also suggests not to take on board the broadening of the scope in Article 15(1(h)) in relation to "*decisions based on automated processing, including profiling*".

– The Presidency suggests to re-introduce 15(1(b)) concerning "*categories of personal data concerned*". Concerning Article 15(1(d)), the Presidency suggests to add the terms "*or if this is not possible, the criteria used to determine this period*", as suggested by the European Parliament.

With regard to Article 15(2a) and the limitations to the right to obtain a copy, the Presidency proposes a more balanced approach, aligning with recital (51) of the Council's General Approach and considering recital (41) of Directive 95/46.

Article 17 – Right to erasure ("right to be forgotten")

– The Presidency considers that delegations have shown some flexibility with regard to a reference to a right "to be forgotten" in the title of Article 17. As a compromise, the Presidency suggests to redraft this reference in the title by adding parentheses and inverted commas, thereby avoiding confusion as to the possible existence of two entirely different rights.
– Without changing the substance of Article 17(1) chapeau, and in order to facilitate a compromise with the European Parliament, the Presidency takes the view that the introductory wording of this paragraph could be made consistent with the other articles relating to the rights of the data subject.
– The Presidency considers there is merit in maintaining Article 17(1a) on the right to erasure if the data have been collected in relation Article 8. However, for the sake of clarity, the Presidency suggests to delete the reference to "*especially in relation to personal data which are collected when the data subject was a child*" in Article 17(1). While the scope of Article 8 still needs to be decided, the Presidency suggests, in Article 17(1a), to make a general reference to Article 8 without the precision on information society services.
– The Presidency suggests not to take on board the European Parliament's approach in Article 17(2). The Presidency also suggests not to take on board the reference to Article 80 in Article 17(3a).

Article 18 – Right to data portability

– In Article 18(2a0 (new)), while clarifying that direct transmission from controller to controller can be done on a voluntary basis ("*may*"), the Presidency proposes to include this idea based on the European Parliament's Article 15(2a).
– With regard to Article 18(2aa) and the limitations to the right to data portability, the Presidency proposes a more balanced approach considering recital (41) of Directive 95/46.

Article 19 – Right to object

– The Presidency suggests not to take on board the European Parliament's broadened approach on scope in Article 19(1) and (2). The Presidency also suggests not to take on board Article 19(3).
– The Presidency suggests to introduce the European Parliament's idea contained in its Article 19(2b) in a recital saying that the right to object may be exercised via "*automated means using a technical standard which allows the data subject to clearly express his or her wishes*".

Article 20 – Automated individual decision making

– In relation to Article 20(5a), the Presidency suggests to introduce a possibility for the European Data Protection Board to issue "*guidelines, recommendations and best practices for further specifying the criteria and conditions for profiling pursuant to paragraph 2*". This introduction is without prejudice to possible structural changes in relation to Article 66.
– The Presidency suggests not to take on board the European Parliament's logic on Article 20, including on Article 20(1) and (1b).

The Presidency takes the view that no additional discussion is necessary on these provisions. However, in case delegations wish to raise any crucial point or to provide further input relating to these provisions, they may do so under point 10.

9. Taking the Council's General Approach as a basis, and with regard to the position of the European Parliament, the Presidency considers that certain provisions need further clarifications. Consequently the Presidency invites delegations to share their views as regards the following points:

Article 12 – Transparent information, communication and modalities for exercising the rights of the data subject

– In Article 12(4), the European Parliament proposes to introduce an obligation for the controller, subject to a reasonable fee, to provide the data subject with information even if the request is manifestly excessive. The Council's General Approach follows a different rationale by stating that the controller may in cases of manifestly unfounded or excessive requests refuse to act. Member States are invited to share their views on these approaches.

Article 14a - Information to be provided where the data have not been obtained from the data subject

– The Presidency considers that the last phrase of the European Parliament's Article 14(4(b)) is a useful clarification and in line with Article 11(1) of Directive 95/46. Delegations are invited to share their views on the introduction of this idea in Article 14a(3(ab)).

– While the Presidency takes the view to maintain the logic of Article 14a(4(e)) of the Council's General Approach, the Presidency suggests to add *"or is covered by an obligation of professional secrecy"* as proposed by the European Parliament in its Article 14(5(da)).

Article 17 – Right to erasure ("right to be forgotten")

– On the European Parliament's proposal in Article 17(9) providing for the Commission to adopt a delegated act, the Presidency considers there is merit in such a possibility. The Presidency suggests that the empowerment of the Commission may be limited only to the specification of the criteria, conditions and requirements for the application of paragraphs 1 and 2a of Article 17. Delegations are invited to share their views on this point.

Article 17a – Right to restriction of processing

- With regard to Article 17a(1(ab)), the Presidency chooses to add the idea contained in Article 17(4(c)) as suggested by the European Parliament, as this increases protection of the data subject without entailing additional administrative burden on controllers. Delegations are invited to show flexibility on this point.

Article 17b – Notification obligation regarding rectification, erasure or restriction

– In relation to Article 17b, which includes the content of Article 13, the Presidency suggests to introduce the terms "*The controller shall inform the data subject about those recipients if the data subject requests this*" taken from Article 13 of the European Parliament.

10. Finally, the Presidency invites the delegations to raise any other issue related to Chapter III.

The markings in this table are to be read as follows:

– Second column with first reading Position of the European Parliament: new text is marked in bold italics; deleted parts of the text are marked in strikethrough, text identical with the Commission proposal is marked - with a diagonal line in the box.
– Third column with General Approach of the Council: new text is marked in ***bold italics***; deleted parts of the text are marked in strikethrough, parts of the text that have been moved up or down are marked in bold.
– Fourth column: the diagonal line in the box indicates that the text is identical for all three institutions; compromise suggestions by the Presidency are included, empty box indicates that no text is included.

COM (2012)0011	EP Position / First Reading	Council General Approach (15/06/2015)	Comments / compromise suggestions
(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language is used. This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to them are being collected, by whom and for what purpose. Given that children deserve specific protection, any information and communication, where processing is addressed specifically to a child, should be in such a clear and plain language that the child can easily understand.	(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language is used. This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to **him or her** are being collected, by whom and for what purpose. Given that children deserve specific protection, any information and communication, where processing is addressed specifically to a child, should be in such a clear and plain language that the child can easily understand.	(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language ***and, additionally, where appropriate, visualisation*** is used. ***This information could be provided in electronic form, for example, when addressed to the public, through a website.*** This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to them are being collected, by whom and for what purpose. Given that children	

		deserve specific protection, any information and communication, where processing is addressed ~~specifically~~ to a child, should be in such a clear and plain language that the child can easily understand.	
	Amendment 23		
(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to request, free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed deadline and give reasons, in case he does not comply with the data subject's request.	(47) Modalities should be provided for facilitating the data subject's exercise of **his or her** rights provided by this Regulation, including mechanisms to ~~request~~ ***obtain***, free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a ~~fixed~~ ***reasonable*** deadline and give reasons, in case he does not comply with the data subject's request.	(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to request, ~~free of charge,~~ in particular access to data, rectification, erasure and to exercise the right to object. ***Thus the controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means.*** The controller should be obliged to respond to requests of the data subject ***without undue delay and at the latest*** within a fixed deadline ***of one month*** and give reasons ***where the controller*** ~~, in case he~~ does not ***intend to*** comply with the data subject's request.	

	Amendment 24		
(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be stored, on the existence of the right of access, rectification or erasure and on the right to lodge a complaint. Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data.	(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be ***likely*** stored ***for each purpose***, ***if the data are to be transferred to third parties or third countries,*** on the existence ***of measures to object and*** of the right of access, rectification or erasure and on the right to lodge a complaint. Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data. ***This information should be provided, which can also mean made readily available, to the data subject after the provision of simplified information in the form of standardised icons. This should also mean that personal data are processed in a way that effectively allows the data subject to exercise his or her rights.***	(48) The principles of fair and transparent processing require that the data subject should be informed ~~in particular~~ of the existence of the processing operation and its purposes~~, how long the data will be stored, on the existence of the right of access, rectification or erasure and on the right to lodge a complaint.~~ ***The controller should provide the data subject with any further information necessary to guarantee fair and transparent processing. Furthermore the data subject should be informed about the existence of profiling, and the consequences of such profiling.*** Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data.	

(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient.	(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient.	(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient. ***Where the controller intends to process the data for a purpose other than the one for which the data were collected the controller should provide the data subject prior to that further processing with information on that other purpose and other necessary information. Where the origin of the data could not be provided to the data subject because various sources have been used, the information should be provided in a general manner.***	

	Amendment 25		
(50) However, it is not necessary to impose this obligation where the data subject already disposes of this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. The latter could be particularly the case where processing is for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures adopted may be taken into consideration.	(50) However, it is not necessary to impose this obligation where the data subject already ~~disposes of~~ ***knows*** this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. ~~The latter could be particularly the case where processing is for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures adopted may be taken into consideration.~~	(50) However, it is not necessary to impose this obligation where the data subject already ~~disposes~~ ***possesses*** ~~of~~ this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. The latter could be particularly the case where processing is for ***archiving purpose in the public interest, for*** historical, statistical or scientific ~~research~~purposes; in this regard, the number of data subjects, the age of the data, and any ~~compensatory measures~~ ***appropriate safeguards*** adopted may be taken into consideration.	

	Amendment 26		
(51) Any person should have the right of access to data which has been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what period, which recipients receive the data, what is the logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.	(51) Any person should have the right of access to data which have been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what ***estimated*** period, which recipients receive the data, what is the ***general*** logic of the data that are undergoing the processing and what might be~~, at least when based on profiling,~~ the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property ~~and in particular~~***, such as in relation to*** the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.	(51) ~~Any~~ ***A natural*** person should have the right of access to data which has been collected concerning ~~them~~**him or her**, and to exercise this right easily ***and at reasonable intervals***, in order to be aware ***of*** and verify the lawfulness of the processing. **This includes the right for individuals to have access to their personal data concerning their health, for example the data in their medical records containing such information as diagnosis, examination results, assessments by treating physicians and any treatment or interventions provided.** Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, ***where possible*** for what period, which recipients receive the data, what is the logic ***involved in any automatic*** ~~of the~~ data ~~that are undergoing the~~ processing and what might be, at least when based on profiling, the consequences of such processing.	

		This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject. ***Where the controller processes a large quantity of information concerning the data subject, the controller may request that before the information is delivered the data subject specify to which information or to which processing activities the request relates.***	

(52) The controller should use all reasonable measures to verify the identity of a data subject that requests access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.	(52) The controller should use all reasonable measures to verify the identity of a data subject that requests access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.	(52) The controller should use all reasonable measures to verify the identity of a data subject ~~that~~***who*** requests access, in particular in the context of online services and online identifiers. ***Identification should include the digital identification of a data subject, for example through authentication mechanism such as the same credentials, used by the data subject to log-into the on-line service offered by the data controller.*** A controller should not retain personal data for the ~~unique~~ ***sole*** purpose of being able to react to potential requests.	

	Amendment 27		
(53) Any person should have the right to have personal data concerning them rectified and a 'right to be forgotten' where the retention of such data is not in compliance with this Regulation. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. This right is particularly relevant, when the data subject has given their consent as a child, when not being fully aware of the risks involved by the processing, and later wants to remove such personal data especially on the Internet.	(53) Any person should have the right to have personal data concerning them rectified and a 'right to ~~be forgotten~~ ***erasure***' where the retention of such data is not in compliance with this Regulation. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. ~~This right is particularly relevant, when the data subject has given their consent as a child, when not being fully aware of the risks involved by the processing, and later wants to remove such personal data especially on the Internet.~~	(53) ~~Any~~ ***A natural*** person should have the right to have personal data concerning them rectified and a 'right to be forgotten' where the retention of such data is not in compliance with this Regulation ***or with Union or Member State law to which the controller is subject***. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. This right is ~~particularly~~ ***in particular*** relevant, when the data subject has given their consent as a child, when not being fully aware of the risks involved by the processing, and later wants to remove such personal data especially on the Internet.	

However, the further retention of the data should be allowed where it is necessary for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health, for exercising the right of freedom of expression, when required by law or where there is a reason to restrict the processing of the data instead of erasing them.	However, the further retention of the data should be allowed where it is necessary for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health, for exercising the right of freedom of expression, when required by law or where there is a reason to restrict the processing of the data instead of erasing them. ***Also, the right to erasure should not apply when the retention of personal data is necessary for the performance of a contract with the data subject, or when there is a legal obligation to retain this data.***	***The data subject should be able to exercise this right notwithstanding the fact that he or she is no longer a child.*** However, the further retention of the data should be ~~allowed~~ ***lawful*** where it is necessary ~~for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health,~~ for exercising the right of freedom of expression ***and information***, ***for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller,*** **for reasons of public interest in the area of public health,** ***for archiving purposes in the public interest,*** **for historical, statistical and scientific purposes** ***or for the establishment, exercise or defence of legal claims*** ~~when required by law or where there is a reason to restrict the processing of the data instead of erasing them~~.	

	Amendment 28		
(54) To strengthen the 'right to be forgotten' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public should be obliged to inform third parties which are processing such data that a data subject requests them to erase any links to, or copies or replications of that personal data. To ensure this information, the controller should take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible. In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party.	(54) To strengthen the 'right to ~~be forgotten~~ ***erasure***' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public ***without legal justification*** should be obliged to ~~inform third parties which are processing such data that a data subject requests them to erase any links to, or copies or replications of that personal data. To ensure this information, the controller should take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible. In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party~~ ***take all necessary steps to have the data erased, including by third parties, without prejudice to the right of the data subject to claim compensation.***	(54) To strengthen the 'right to be forgotten' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public should be obliged to inform ~~third parties~~ ***the controllers*** which are processing such data ~~that a data subject requests them~~ to erase any links to, or copies or replications of that personal data. To ensure ~~this~~ **the** ***above mentioned*** information, the controller should take ~~all~~reasonable steps, ***taking into account available technology and the means available to the controller,*** including technical measures, in relation to data for the publication of which the controller is responsible. ~~In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party.~~	

	(54a) Data which are contested by the data subject and whose accuracy or inaccuracy cannot be determined should be blocked until the issue is cleared.		
		54a) Methods to restrict processing of personal data could include, inter alia, temporarily moving the selected data to another processing system or making the selected data unavailable to users or temporarily removing published data from a website. In automated filing systems the restriction of processing of personal data should in principle be ensured by technical means; the fact that the processing of personal data is restricted should be indicated in the system in such a way that it is clear that the processing of the personal data is restricted.	

	Amendment 30		
(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. This should apply where the data subject provided the data to the automated processing system, based on their consent or in the performance of a contract.	(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. ***Data controllers should be encouraged to develop interoperable formats that enable data portability.*** This should apply where the data subject provided the data to the automated processing system, based on ~~their~~***his or her*** consent or in the performance of a contract. ***Providers of information society services should not make the transfer of those data mandatory for the provision of their services.***	(55) To further strengthen the control over their own data ~~and their right of access, data subjects should have the right,~~ where ***the processing of*** personal data ~~are processed~~ ***is carried out*** by ~~electronic~~ ***automated*** means ~~and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The~~ **the** data subject should also be allowed to ~~transmit~~ ***receive*** ~~those~~ ***the personal*** data ***concerning him or her***, which ~~they have~~ ***he or she has*** provided ~~,~~ ~~from one automated application, such as a social network, into~~ ***to a controller, in a structured and commonly used and machine-readable format and transmit to*** another ~~one~~***controller***.	

		This ***right*** should apply where the data subject provided the ***personal*** data ~~to the automated processing system,~~ based on ~~their~~ ***his or her*** consent or in the performance of a contract***. It should not apply where processing is based on another legal ground other than consent or contract. By its very nature this right should not be exercised against controllers processing data in the exercise of their public duties. It should therefore in particular not apply where processing of the personal data is necessary for compliance with a legal obligation to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of an official authority vested in the controller.***	

		The data subject's right to transmit personal data does not create an obligation for the controllers to adopt or maintain data processing systems which are technically compatible. ***Where, in a certain set of personal data, more than one data subject is concerned, the right to transmit the data should be without prejudice to the requirements on the lawfulness of the processing of personal data related to another data subject in accordance with this Regulation. This right should also not prejudice the right of the data subject to obtain the erasure of personal data and the limitations of that right as set out in this Regulation and should in particular not imply the erasure of personal data concerning the data subject which have been provided by him or her for the performance of a contract, to the extent and as long as the data are necessary for the performance of that contract.***	

	Amendment 31		
(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or on grounds of public interest, official authority or the legitimate interests of a controller, any data subject should nevertheless be entitled to object to the processing of any data relating to them. The burden of proof should be on the controller to demonstrate that their legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or on grounds of public interest, official authority or the legitimate interests of a controller, any data subject should nevertheless be entitled to object to the processing of any data relating to ~~them~~***him or her, free of charge and in a manner that can be easily and effectively invoked***. The burden of proof should be on the controller to demonstrate that their legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	(56) In cases where personal data might lawfully be processed ~~to protect the vital interests of the data subject, or~~ ***because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or*** on grounds of ~~public interest, official authority or~~ the legitimate interests of a controller ***or a third party***, any data subject should nevertheless be entitled to object to the processing of any data relating to ~~them~~***their particular situation***. ~~The burden of proof~~ ***It*** should be ~~on~~ ***for*** the controller to demonstrate that their ***compelling*** legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	

	Amendment 32		
(57) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing free of charge and in a manner that can be easily and effectively invoked.	(57) Where ~~personal data are processed for the purposes of direct marketing,~~ the data subject ~~should have~~ ***has*** the right to object to ~~such~~ ***the*** processing ~~free of charge and in a manner that can be easily and effectively invoked~~***, the controller should explicitly offer it to the data subject in an intelligible manner and form, using clear and plain language and should clearly distinguish it from other information.***	(57) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing***, whether the initial or further processing,*** free of charge and in a manner that can be easily and effectively invoked.	

	Amendment 33		
(58) Every natural person should have the right not to be subject to a measure which is based on profiling by means of automated processing. However, such measure should be allowed when expressly authorised by law, carried out in the course of entering or performance of a contract, or when the data subject has given his consent. In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human intervention and that such measure should not concern a child.	(58) ***Without prejudice to the lawfulness of the data processing, every*** natural person should have the right ~~not to be subject~~ ***to object*** to ~~a measure which is based on~~ profiling ~~by means of automated processing. However, such measure~~***. Profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject*** should ***only*** be allowed when expressly authorised by law, carried out in the course of entering or performance of a contract, or when the data subject has given his consent. ~~The~~ In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human ~~intervention~~ ***assessment*** and that such measure should not concern a child. ***Such measures should not lead to***	(58) ~~Every natural person~~ ***The data subject*** should have the right not to be subject to a ~~measure~~ ***a decision evaluating personal aspects relating to him or her*** which is based ***solely*** on ~~profiling by means of~~ automated processing**, which produces legal effects concerning him or her** ***or significantly affects him or her, like automatic refusal of an on-line credit application or e-recruiting practices without any human intervention***. ***Such processing includes also 'profiling' consisting in any form of automated processing of personal data evaluating personal aspects relating to a natural person, in particular to analyse or predict aspects concerning performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements as long as it produces legal effects concerning him or her or significantly affects him or her.***	

	discrimination against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, sexual orientation or gender identity.	However, ~~such measure~~ ***decision making based on such processing, including profiling,*** should be allowed when ~~expressly~~ authorised by ***Union or Member State*** law~~,~~ ~~carried out in the course of~~ ***to which the controller is subject, including for fraud and tax evasion monitoring and prevention purposes and to ensure the security and reliability of a service provided by the controller, or necessary for the*** entering or performance of a contract ***between the data subject and a controller***, or when the data subject has given his ***or her explicit*** consent. In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human intervention ~~and that such measure should not concern a child~~, ***to express his or her point of view, to get an explanation of the decision reached after such assessment and the right to contest the decision. In order to ensure fair and transparent processing in***	

		respect of the data subject, having regard to the specific circumstances and context in which the personal data are processed, the controller should use adequate mathematical or statistical procedures for the profiling, implement technical and organisational measures appropriate to ensure in particular that factors which result in data inaccuracies are corrected and the risk of errors is minimized, secure personal data in a way which takes account of the potential risks involved for the interests and rights of the data subject and which prevents inter alia discriminatory effects against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, genetic or health status, sexual orientation or that result in measures having such effect. Automated decision making and profiling based on special categories of personal data should only be allowed under specific conditions.	

	Amendment 34		
	(58a) Profiling based solely on the processing of pseudonymous data should be presumed not to significantly affect the interests, rights or freedoms of the data subject. Where profiling, whether based on a single source of pseudonymous data or on the aggregation of pseudonymous data from different sources, permits the controller to attribute pseudonymous data to a specific data subject, the processed data should no longer be considered to be pseudonymous.		

		(58a) Profiling as such is subject to the (general) rules of this Regulation governing processing of personal data (legal grounds of processing, data protection principles etc.) with specific safeguards (for instance the obligation to conduct an impact assessment in some cases or provisions concerning specific information to be provided to the concerned individual). The European Data Protection Board should have the possibility to issue guidance in this context.	

Article 4	*Article 4*	*Article 4*	~~*Article 4*~~
	(2b) 'encrypted data' means personal data, which through technological protection measures is rendered unintelligible to any person who is not authorised to access them;		
	(3a) 'profiling' means any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person or to analyse or predict in particular that natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour;		
		(3a) 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;	(3a) 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;

(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed***, whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients****;*	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed, whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;
	(7a) 'third party' means any natural or legal person, public authority, agency or any other body other than the data subject, the controller, the processor and the persons who, under the direct authority of the controller or the processor, are authorized to process the data;		
		(12a) 'profiling' means any form of automated processing of personal data consisting of using those data to evaluate personal aspects relating to a natural person, in particular to analyse and predict aspects concerning performance at work, economic situation, health, personal preferences, or interests, reliability or behaviour, location or movements;	(12a) 'profiling' means any form of automated processing of personal data consisting of using those data to evaluate personal aspects relating to a natural person, in particular to analyse and predict aspects concerning performance at work, economic situation, health, personal preferences, or interests, reliability or behaviour, location or movements;

CHAPTER III RIGHTS OF THE DATA SUBJECT	CHAPTER III RIGHTS OF THE DATA SUBJECT	CHAPTER III RIGHTS OF THE DATA SUBJECT	CHAPTER III RIGHTS OF THE DATA SUBJECT
	Article 10 a (new)		
	Amendment 105		
	General principles for the rights of the data subject ~~rights~~		
	1. The basis of data protection is clear and unambiguous rights for the data subject which shall be respected by the data controller. The provisions of this Regulation aim to strengthen, clarify, guarantee and where appropriate, codify these rights.		

	2. Such rights include, inter alia, the provision of clear and easily understandable information regarding the processing of the data subject's ~~his or her~~ personal data, the right of access, rectification and erasure of ~~their~~ his or her data, the right to obtain data, the right to object to profiling, the right to lodge a complaint with the competent data protection authority and to bring legal proceedings as well as the right to compensation and damages resulting from an unlawful processing operation. Such rights shall in general be exercised free of charge. The data controller shall respond to requests from the data subject within a reasonable period of time.		

SECTION 1 TRANSPARENCY AND MODALITIES	SECTION 1 TRANSPARENCY AND MODALITIES	SECTION 1 TRANSPARENCY AND MODALITIES	SECTION 1 TRANSPARENCY AND MODALITIES
Article 11	***Article 11***	***Article 11***	***Article 11***
Transparent information and communication	***Transparent information and communication***	***Transparent information and communication***	***Transparent information and communication***
	Amendment 106		
1. The controller shall have transparent and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights.	1. The controller shall have ***concise,*** transparent***, clear*** and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights	***deleted***	

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.	2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, ~~adapted to the data subject,~~ in particular for any information addressed specifically to a child.	***deleted***	
Article 12	***Article 12***	***Article 12***	***Article 12***
Procedures and mechanisms for exercising the rights of the data subject	***Procedures and mechanisms for exercising the rights of the data subject***	~~**Procedures and mechanisms**~~ **Transparent information, communication and modalities for exercising the rights of the data subject**	**Transparent information, communication and modalities for exercising the rights of the data subject**
	Amendment 107		
1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19.	1. ~~The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19.~~	1. The controller shall ~~establish procedures for providing the~~ ***take appropriate measures to provide any*** information referred to in ~~Article~~ ***Articles*** 14 ***and 14a*** ~~for the exercise of the rights of data subjects referred to in Article 13~~ and ***any communication under*** Articles 15 to 19 ***and 32 relating to the processing of personal data to the data subject in an intelligible and easily accessible form, using clear and plain language***.	1. The controller shall take appropriate measures to provide any information referred to in Articles 14 and 14a and any communication under Articles 15 to 19 and 32 relating to the processing of personal data to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.	Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically ***where possible***.	***The information shall be provided in writing, or by other means, where appropriate electronically. Where the data subject makes the request in electronic form, the information may as a rule be provided in electronic form, unless otherwise requested by the data subject. When requested by the data subject, the information may be given orally provided that the identity of the data subject is proven***. ~~The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically~~.	The information shall be provided in writing, or by other means**,** where appropriate electronically. Where the data subject makes the request in electronic form, the information may as a rule be provided in electronic form, unless otherwise requested by the data subject. When requested by the data subject, the information may be given orally provided that the identity of the data subject is proven.

		1a. The controller shall facilitate the exercise of data subject rights under Articles 15 to 19. In cases referred to in Article 10 (2) the controller shall not refuse to act on the request of the data subject for exercising his/her rights under Articles 15 to 19, unless the controller demonstrates that he/she is not in a position to identify the data subject.	1a. The controller shall facilitate the exercise of data subject rights under Articles 15 to 19. In cases referred to in Article 10 (2) the controller shall not refuse to act on the request of the data subject for exercising his or her rights under Articles 15 to 19, unless the controller demonstrates that it is not in a position to identify the data subject.
2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic	2. The controller shall inform the data subject without ***undue*** delay and, at the latest within ~~one month~~ ***40 calendar days*** of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing ***and, where possible, the controller may provide remote***	2. The controller shall ***provide*** inform***ation on action taken on a request under Articles 15 and 16 to 19 to*** the data subject without ***undue*** delay and, at the latest within one month of receipt of the request~~, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information~~. This period may be ~~prolonged~~ ***extended*** for a further ***two*** month***s when necessary, taking into account the complexity of the request and the number of the requests.***~~, if several data subjects exercise their rights and their cooperation is necessary to a~~	2. The controller shall provide information on action taken on a request under Articles 15 and 16 to 19 to the data subject without undue delay and, at the latest within one month of receipt of the request.This period may be extended for a further two months when necessary, taking into account the complexity of the request and the number of the requests.Where the extended period applies, the data subject shall be informed within one month of receipt of the request of the reasons for the delay. Where the data subject makes the request in electronic form, the information shall be provided in electronic form where possible, unless otherwise requested by the data subject.

form, the information shall be provided in electronic form, unless otherwise requested by the data subject.	***access to a secure system which would provide the data subject with direct access to ~~their~~ his or her personal data***. Where the data subject makes the request in electronic form, the information shall be provided in electronic form ***where possible***, unless otherwise requested by the data subject.	~~reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing.~~ Where ***the extended period applies,*** the data subject ~~makes the request in electronic form, the information~~ shall be ~~provided in electronic form, unless otherwise requested by the data subject~~***informed within one month of receipt of the request of the reasons for the delay***.	
3. If the controller refuses to take action on the request of the data subject, the controller shall inform the data subject of the reasons for the refusal and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.	3. If the controller ~~refuses to~~ ***does not*** take action at the request of the data subject, the controller shall inform the data subject of the reasons for the ~~refusal~~***inaction*** and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.	3. If the controller ~~refuses to~~***does not*** take action on the request of the data subject, the controller shall inform the data subject ***without delay and at the latest within one month of receipt of the request*** of the reasons for ~~the refusal~~***not taking action*** and on the ~~possibilities~~ ***possibility*** of lodging a complaint to ~~the~~ ***a*** supervisory authority ~~and seeking a judicial remedy~~.	3. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint to a supervisory authority and seeking a judicial remedy.

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.	4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a ***reasonable*** fee ***taking into account the administrative costs*** for providing the information or taking the action requested~~, or the controller may not take the action requested~~. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.	4. ~~The i~~***I***nformation ~~and the actions taken on requests referred to in paragraph 1~~***provided under Articles 14 and 14a and any communication under Articles 16 to 19 and 32*** shall be ***provided*** free of charge. Where requests ***from a data subject*** are manifestly ***unfounded or*** excessive, in particular because of their repetitive character, the controller may ~~charge a fee for providing the information or taking the action requested, or the controller may not take the action requested~~ ***refuse to act on the request***. In that case, the controller shall bear the burden of ~~proving~~ ***demonstrating*** the manifestly ***unfounded or*** excessive character of the request.	4. Information provided under Articles 14 and 14a and any communication under Articles 16 to 19 and 32 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may refuse to act on the request. In that case, the controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.
		4a. Without prejudice to Article 10, where the controller has reasonable doubts concerning the identity of the individual making the request referred to in Articles 15 to 19, the controller may request the provision of additional information necessary to confirm the identity of the data subject.	4a. Without prejudice to Article 10, where the controller has reasonable doubts concerning the identity of the individual making the request referred to in Articles 15 to 19, the controller may request the provision of additional information necessary to confirm the identity of the data subject.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4.	***deleted***	***deleted***	
6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).	***deleted***	***deleted***	

Article 13	*Article 13*	*Article 13*	
	Amendment 108		
Rights in relation to recipients	***~~Rights in relation to recipients~~ Notification requirement in the event of rectification and erasure***	***Rights in relation to recipients***	
The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed, unless this proves impossible or involves a disproportionate effort.	The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been ~~disclosed~~ ***transferred***, unless this proves impossible or involves a disproportionate effort. ***The controller shall inform the data subject about those recipients if the data subject requests this.***	***deleted***	

	Article 13 a (new)		
	Amendment 109		
	Standardised information policies		
	1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with the following particulars before providing information pursuant to Article 14:		
	(a) whether personal data are collected beyond the minimum necessary for each specific purpose of the processing;		
	(b) whether personal data are retained beyond the minimum necessary for each specific purpose of the processing;		
	(c) whether personal data are processed for purposes other than the purposes for which they were collected;		
	(d) whether personal data are disseminated to commercial third parties;		

	(e) whether personal data are sold or rented out;		
	(f) whether personal data are retained in encrypted form.		
	2. The particulars referred to in paragraph 1 shall be presented pursuant to Annex to this Regulation in an aligned tabular format, using text and symbols, in the following three columns:		
	(a) the first column depicts graphical forms symbolising those particulars;		
	(b) the second column contains essential information describing those particulars;		
	(c) the third column depicts graphical forms indicating whether a specific particular is met.		

	3. The information referred to in paragraphs 1 and 2 shall be presented in an easily visible and clearly legible way and shall appear in a language easily understood by the consumers of the Member States to whom the information is provided. Where the particulars are presented electronically, they shall be machine readable.		
	4. Additional particulars shall not be provided. Detailed explanations or further remarks regarding the particulars referred to in paragraph 1 may be provided together with the other information requirements pursuant to Article 14.		
	5. The Commission shall be empowered to adopt, after requesting an opinion of the European Data Protection Board, delegated acts in accordance with Article 86 for the purpose of further specifying the particulars referred to in paragraph 1 and their presentation as referred to in paragraph 2 and in the Annex to this Regulation.		

SECTION 2	SECTION 2	SECTION 2	~~SECTION 2~~
INFORMATION AND ACCESS TO DATA	**INFORMATION AND ACCESS TO DATA**	**INFORMATION AND ACCESS TO DATA**	**INFORMATION AND ACCESS TO DATA**
Article 14	***Article 14***	***Article 14***	***Article 14***
Information to the data subject	***Information to the data subject***	***Information to be provided where the data are collected from the data subject***	***Information to be provided where the data are collected from the data subject***
	Amendment 110		
1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information:	1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information, ***after the particulars pursuant to Article 13a have been provided***:	1. Where personal data relating to a data subject are collected ***from the data subject***, the controller shall***, at the time when personal data are obtained,*** provide the data subject with ~~at least~~ the following information:	1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with the following information:
(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;	(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer**;**	(a) the identity and the contact details of the controller and, if any, of the controller's representative***; the controller shall also include the contact details*** ~~and~~ of the data protection officer***, if any***;	(a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;

(b) the purposes of the processing for which the personal data are intended, ***including the contract terms and general conditions where the processing is based on point (b) of Article 6(1)*** and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);	(b) the purposes of the processing for which the personal data are intended, ***as well as information regarding the security of the processing of personal data,*** including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and ~~the legitimate interests pursued by the controller where the processing is based on~~ ***, where applicable, information on how they implement and meet the requirements of*** point (f) of Article 6(1);	(b) the purposes of the processing for which the personal data are intended~~, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);~~ ***as well as the legal basis of the processing.***	(b) the purposes of the processing for which the personal data are intended, as well as the legal basis of the processing.
		1a. In addition to the information referred to in paragraph 1, the controller shall at the time when personal data are obtained provide the data subject with such further information that is necessary to ensure fair and transparent processing, having regard to the specific circumstances and context in which the personal data are processed:	1a. In addition to the information referred to in paragraph 1, the controller shall at the time when personal data are obtained provide the data subject with such further information that is necessary to ensure fair and transparent processing, having regard to the specific circumstances and context in which the personal data are processed:
(c) the period for which the personal data will be stored;	(c) the period for which the personal data will be stored***, or if this is not possible, the criteria used to determine this period***;	***deleted***	(a new) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;

		(b) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;	(b) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;
		(~~f~~c) the recipients or categories of recipients of the personal data;	(c) the recipients or categories of recipients of the personal data;
		(~~g~~d) where applicable, that the controller intends to transfer ***personal data*** to a ***recipient in a*** third country or international organisation~~ and on the level of protection afforded by that third country or international organisation by reference to an adequacy decision by the Commission~~;	(d) where applicable, that the controller intends to transfer personal data to a recipient in a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them, or where they have been made available;

(d) the existence of the right to request from the controller access to and rectification or erasure of the personal data concerning the data subject or to object to the processing of such personal data;	(d) the existence of the right to request from the controller access to and rectification or erasure of the personal data concerning the data subject**,** ~~or~~ to object to the processing of such personal data***, or to obtain data***;	(~~d~~***e***) the existence of the right to request from the controller access to and rectification or erasure of the personal data ***or restriction of processing of personal data*** concerning the data subject ~~or~~ ***and*** to object to the processing of such personal data ***as well as the right to data portability***;	(e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject and to object to the processing of such personal data as well as the right to data portability;

		(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;	(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
(e) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;	(e) the right to lodge a complaint ~~to~~***with*** the supervisory authority and the contact details of the supervisory authority;	(~~e~~***f***) the right to lodge a complaint to ~~the~~ ***a*** supervisory authority ~~and the contact details of the supervisory authority~~;	(f) the right to lodge a complaint to a supervisory authority
(f) the recipients or categories of recipients of the personal data;	(f) the recipients or categories of recipients of the personal data;	***moved under (c)***	

(g) where applicable, that the controller intends to transfer to a third country or international organisation and on the level of protection afforded by that third country or international organisation by reference to an adequacy decision by the Commission;	(g) where applicable, that the controller intends to transfer ***the data*** to a third country or international organisation and ~~on the level of protection afforded by that third country or international organisation by reference to~~ ***the existence or absence of*** an adequacy decision by the Commission***, or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them***;	***moved under (d) modified***	

		(g) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the data and of the possible consequences of failure to provide such data;	(g) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the data and of the possible consequences of failure to provide such data;
	(ga) where applicable, information about the existence of profiling, of measures based on profiling, and the envisaged effects of profiling on the data subject;		
	(gb) meaningful information about the logic involved in any automated processing;		
		(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.	(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

(h) any further information necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected.	(h) any further information ***which is*** necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected ***or processed, in particular the existence of certain processing activities and operations for which a personal data impact assessment has indicated that there may be a high risk;***	***deleted***	
	(ha) where applicable, information whether personal data ~~was~~ were provided to public authorities during the last consecutive 12-month period.		
		1b. Where the controller intends to further process the data for a purpose other than the one for which the data were collected the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 1a.	1b. Where the controller intends to further process the data for a purpose other than the one for which the data were collected the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 1a.

2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory or voluntary, as well as the possible consequences of failure to provide such data.	2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is ~~obligatory~~ ***mandatory*** or ~~voluntary~~***optional***, as well as the possible consequences of failure to provide such data.	***deleted***	
	2a. In deciding on further information which is necessary to make the processing fair under point (h) of paragraph 1, controllers shall have regard to any relevant guidance under Article ~~38~~34.		
3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.	3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the ***specific*** personal data originate. ***If personal data originate from publicly available sources, a general indication may be given.***	***deleted***	
4. The controller shall provide the information referred to in paragraphs 1, 2 and 3:	4. The controller shall provide the information referred to in paragraphs 1, 2 and 3:	***deleted***	

(a) at the time when the personal data are obtained from the data subject; or	(a) at the time when the personal data are obtained from the data subject ***or without undue delay where the above is not feasible***; or	***deleted***	
	(aa) ~~on~~ at the request ~~by~~ of a body, organization or association referred to in Article 73;		
(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed.	(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a ~~disclosure~~ ***transfer*** to another recipient is envisaged, and at the latest ~~when the data are first disclosed.~~***at the time of the first transfer, or, if the data are to be used for communication with the data subject concerned, at the latest at the time of the first communication to that data subject; or***	***deleted***	

	(ba) only on request where the data are processed by a small or micro enterprise which processes personal data only as an ancillary activity.		
5. Paragraphs 1 to 4 shall not apply, where:	5. Paragraphs 1 to 4 shall not apply, where:	5. Paragraphs 1***,*** ~~to 4~~***1a and 1b*** shall not apply~~,~~ where ***and insofar as the data subject already has the information.***	5. Paragraphs 1, 1a and 1b shall not apply, where and insofar as the data subject already has the information.
(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or	(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or	***merged with above 5.***	
(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or	(b) the data ***are processed for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Articles 81 and 83,*** are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort ***and the controller has published the information for anyone to retrieve***; or	***deleted***	

(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law; or	(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law ***to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests, considering the risks represented by the processing and the nature of the personal data***; or	***deleted***	
(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law in accordance with Article 21.	(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of ~~others~~ ***other natural persons***, as defined in Union law or Member State law in accordance with Article 21***;***	***deleted***	
	(da) the data are processed in the exercise of his profession by, or are entrusted or become known to, a person who is subject to an obligation of professional secrecy regulated by Union or Member State law or to a statutory obligation of secrecy, unless the data is collected directly from the data subject.		

6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's legitimate interests.	6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's ***rights or*** legitimate interests.	***deleted***	
7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.	***deleted***	***deleted***	

8. The Commission may lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).	***deleted***	***deleted***	

		Article 14a	***Article 14a***
		Information to be provided where the data have not been obtained from the data subject	***Information to be provided where the data have not been obtained from the data subject***
		1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:	1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:
		(a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;	(a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;
		(b) the purposes of the processing for which the personal data are intended as well as the legal basis of the processing.	(b) the purposes of the processing for which the personal data are intended as well as the legal basis of the processing.

		2. In addition to the information referred to in paragraph 1, the controller shall provide the data subject with such further information that is necessary to ensure fair and transparent processing in respect of the data subject, having regard to the specific circumstances and context in which the personal data are processed :	2. In addition to the information referred to in paragraph 1, the controller shall provide the data subject with such further information that is necessary to ensure fair and transparent processing in respect of the data subject, having regard to the specific circumstances and context in which the personal data are processed :
		(a) the categories of personal data concerned;	(a) the categories of personal data concerned;
		~~(b)~~	(b new) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;
		(c) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;	(c) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;
		(d) the recipients or categories of recipients of the personal data;	(d) the recipients or categories of recipients of the personal data;
		(da) where applicable, that the controller intends to transfer personal data to a recipient in a third country or international	(da) where applicable, that the controller intends to transfer personal data to a recipient in a third country or international

		organisation;	organisation and the existence or absence of an adequacy decision by the Commission, or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them, or where they have been made available;

		(e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject and to object to the processing of such personal data as well as the right to data portability;	(e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject and to object to the processing of such personal data as well as the right to data portability;
		(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;	(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
		(f) the right to lodge a complaint to a supervisory authority;	(f) the right to lodge a complaint to a supervisory authority;
		(g) from which source the personal data originate, unless the data originate from publicly accessible sources;	(g) from which source the personal data originate, unless the data originate from publicly accessible sources;

		(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.	(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
		3. The controller shall provide the information referred to in paragraphs 1 and 2:	3. The controller shall provide the information referred to in paragraphs 1 and 2:
		(a) within a reasonable period after obtaining the data, but at the latest within one month, having regard to the specific circumstances in which the data are processed, or	(a) within a reasonable period after obtaining the data, but at the latest within one month, having regard to the specific circumstances in which the data are processed; or
			(ab) if the data are to be used for the communication with the data subject, at the latest at the time of the first communication to that data subject; or
		(b) if a disclosure to another recipient is envisaged, at the latest when the data are first disclosed.	(b) if a disclosure to another recipient is envisaged, at the latest when the data are first disclosed.

		3a. Where the controller intends to further process the data for a purpose other than the one for which the data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.	3a. Where the controller intends to further process the data for a purpose other than the one for which the data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
		4. Paragraphs 1 to 3 shall not apply where and insofar as:	4. Paragraphs 1 to 3 shall not apply where and insofar as:
		(a) the data subject already has the information; or	(a) the data subject already has the information; or
		(b) the provision of such information proves impossible or would involve a disproportionate effort; in such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests; or	(b) the provision of such information proves impossible or would involve a disproportionate effort; in such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests; or

		(c) obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests; or	(c) obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests; or
		~~(d)~~	
		(e) where the data must remain confidential in accordance with Union or Member State law.	(e) where the data must remain confidential or is covered by an obligation of professional secrecy in accordance with Union or Member State law.

Article 15	***Article 15***	***Article 15***	~~***Article 15***~~
	Amendment 111		
Right of access for the data subject	Right ~~of~~ ***to*** access ***and to obtain data*** for the data subject	***Right of access for the data subject***	***Right of access for the data subject***
1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:	1. ~~The~~***Subject to Article 12(4), the*** data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed~~. Where such personal data are being processed,~~ ***and, in clear and plain language,*** ~~the controller shall provide~~ the following information:	1. The data subject shall have the right to obtain from the controller at ***reasonable intervals and free of charge*** ~~any time, on request,~~ confirmation as to whether or not personal data ~~relating to the data subject~~ ***concerning him or her*** are being processed ***and*** ~~. W~~***w***here such personal data are being processed~~, the controller shall provide~~***access to the data and*** the following information:	1. The data subject shall have the right to obtain from the controller at reasonable intervals and free of charge confirmation as to whether or not personal data concerning him or her are being processed and where such personal data are being processed access to the data and the following information:
(a) the purposes of the processing;	(a) the purposes of the processing ***for each category of personal data;***	(a) the purposes of the processing;	(a) the purposes of the processing;
(b) the categories of personal data concerned;	(b) the categories of ~~personal~~ data concerned~~;~~	***deleted***	(b) the categories of personal data concerned;
(c) the recipients or categories of recipients to whom the personal data are to be or have been disclosed, in particular to recipients in third countries;	(c) the recipients ~~or categories of recipients~~ to whom the personal data are to be or have been disclosed, ~~in particular~~ ***including*** to recipients in third countries;	(c) the recipients or categories of recipients to whom the personal data ~~are to be or~~ have been ***or will be*** disclosed, in particular to recipients in third countries ***or international organisations***;	(c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular to recipients in third countries or international organisations;

(d) the period for which the personal data will be stored;	(d) the period for which the personal data will be stored***, or if this is not possible, the criteria used to determine this period***;	(d) ***where possible,*** the ***envisaged*** period for which the personal data will be stored;	(d) where possible, the envisaged period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;
(e) the existence of the right to request from the controller rectification or erasure of personal data concerning the data subject or to object to the processing of such personal data;	(e) the existence of the right to request from the controller rectification or erasure of personal data concerning the data subject or to object to the processing of such personal data;	(e) the existence of the right to request from the controller rectification or erasure of personal data ***or restriction of the processing of personal data*** concerning the data subject or to object to the processing of such personal data;	(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of the processing of personal data concerning the data subject or to object to the processing of such personal data;
(f) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;	(f) the right to lodge a complaint ~~to~~ ***with*** the supervisory authority and the contact details of the supervisory authority;	***(***f) the right to lodge a complaint to ***a*** supervisory authority***;***	(f) the right to lodge a complaint to a supervisory authority;
(g) communication of the personal data undergoing processing and of any available information as to their source;	***deleted***	***(g) where*** ~~communication of~~ the personal data ~~undergoing processing and of~~ ***are not collected from the data subject,*** any available information as to their source***;***	(g) where the personal data are not collected from the data subject, any available information as to their source;

(h) the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20.	(h) the significance and envisaged consequences of such processing~~, at least in the case of measures referred to in Article 20.~~***;***	(h) ***in the case of decisions based on automated processing including profiling referred to in Article 20(1) and (3), information concerning the logic involved as well as*** the significance and envisaged consequences of such processing~~, at least in the case of measures referred to in Article 20~~.	(h) in the case of decisions based on automated processing including profiling referred to in Article 20(1) and (3), information concerning the logic involved as well as the significance and envisaged consequences of such processing.
	(ha) meaningful information about the logic involved in any automated processing;		
	(hb) without prejudice to Article 21, in the event of disclosure of personal data to a public authority as a result of a public authority request, confirmation of the fact that such a request has been made.		
		1a. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 42 relating to the transfer.	1a. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 42 relating to the transfer.

		1b. On request and without an excessive charge, the controller shall provide a copy of the personal data undergoing processing to the data subject.	1b. On request and without an excessive charge, the controller shall provide a copy of the personal data undergoing processing to the data subject.
2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.	2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request in electronic form, the information shall be provided in ***an*** electronic ~~form~~ ***and structured format***, unless otherwise requested by the data subject. ***Without prejudice to Article 10, the controller shall take all reasonable steps to verify that the person requesting access to the data is the data subject.***	***deleted***	

	2a. Where the data subject has provided the personal data where the personal data are processed by electronic means, the data subject shall have the right to obtain from the controller a copy of the provided personal data in an electronic and interoperable format which is commonly used and allows for further use by the data subject without hindrance from the controller from whom the personal data are withdrawn. Where technically feasible and available, the data shall be transferred directly from controller to controller at the request of the data subject.		
	2b. This Article shall be without prejudice to the obligation to delete data when no longer necessary under point (e) of Article 5(1).		
	2c. There shall be no right of access in accordance with paragraphs 1 and 2 when data within the meaning of point (da) of Article 14(5) are concerned, except if the data subject is empowered to lift the secrecy in question and acts accordingly.		

		2a. The right to obtain a copy referred to in paragraph 1b shall not apply where such copy cannot be provided without disclosing personal data of other data subjects or confidential data of the controller. Furthermore, this right shall not apply if disclosing personal data would infringe intellectual property rights in relation to processing of those personal data.	2a. The right to obtain a copy referred to in paragraph 1b shall not adversely affect the rights and freedoms of others, in particular the rights of other data subjects or confidential data of the controller, such as intellectual property rights in relation to processing of those personal data.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.	***deleted***	***deleted***	

4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).	***deleted***	***deleted***	

SECTION 3 RECTIFICATION AND ERASURE	SECTION 3 RECTIFICATION AND ERASURE	SECTION 3 RECTIFICATION AND ERASURE	~~SECTION 3~~ ~~RECTIFICATION AND ERASURE~~
Article 16	***Article 16***	***Article 16***	~~***Article 16***~~
Right to rectification	***Right to rectification***	***Right to rectification***	~~***Right to rectification***~~
The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement.	The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement.	The data subject shall have the right to obtain from the controller ***without undue delay*** the rectification of personal data ~~relating to them~~ ***concerning him or her*** which are inaccurate. ***Having regard to the purposes for which data were processed,*** ~~The~~ ***the*** data subject shall have the right to obtain completion of incomplete personal data, including by ~~way~~ ***means*** of ~~supplementing~~ ***providing*** a ~~corrective~~ ***supplementary*** statement.	The data subject shall have the right to obtain from the controller without undue delay the rectification of personal data concerning him or her which are inaccurate. Having regard to the purposes for which data were processed, the data subject shall have the right to obtain completion of incomplete personal data, including by means of providing a supplementary statement.

Article 17	*Article 17*	*Article 17*	~~*Article 17*~~
	Amendment 112		
Right to be forgotten and to erasure	***Right to ~~be forgotten and to~~ erasure***	***Right to* erasure and *to be forgotten ~~and to erasure~~***	***Right to* erasure ("right *to be forgotten")***
1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, especially in relation to personal data which are made available by the data subject while he or she was a child, where one of the following grounds applies:	1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to him or her and the abstention from further dissemination of such data, ~~especially in relation to personal data which are made available by the data subject while he or she was a child,~~ ***and to obtain from third parties the erasure of any links to, or copy or replication of, those data*** where one of the following grounds applies:	1. The ~~data subject shall have the right to obtain from the~~ controller ***shall have the obligation to erase*** ~~the erasure of~~ personal data ~~relating to them and the abstention from further dissemination of such data, especially in relation to personal data which are made available by~~ ***without undue delay, especially in relation to personal data which are collected when*** the data subject ~~while he or she~~ was a child, ***and the data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay*** where one of the following grounds applies:	1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:
(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or when the storage period consented to has expired, and where there is no other legal ground for the processing of the data;	(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or when the storage period consented to has expired, and where there is no other legal ground for the processing of the data;	(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or ***point (a) of Article 9(2) and*** ~~when the storage period consented to has expired, and where~~ there is no other legal ground for the processing of the data;	(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2) and there is no other legal ground for the processing of the data;
(c) the data subject objects to the processing of personal data pursuant to Article 19;	(c) the data subject objects to the processing of personal data pursuant to Article 19;	(c) the data subject objects to the processing of personal data pursuant to Article 19***(1) and there are no overriding legitimate grounds for the processing or the data subject objects to the processing of personal data pursuant to Article 19(2)*** ;	(c) the data subject objects to the processing of personal data pursuant to Article 19(1) and there are no overriding legitimate grounds for the processing or the data subject objects to the processing of personal data pursuant to Article 19(2) ;
	(ca) a court or regulatory authority based in the Union has ruled as final and absolute that the data concerned must be erased;		
(d) the processing of the data does not comply with this Regulation for other reasons.	(d) the ~~processing of the~~ data ~~does not comply with this Regulation for other reasons~~ ~~***has***~~ **have** ***been unlawfully processed***.	***(d) the*** ~~processing of the~~ data ~~does not comply with this Regulation for other reasons~~ ***have been unlawfully processed;***	(d) the have been unlawfully processed;

		(e) the data have to be erased for compliance with a legal obligation to which the controller is subject.	(e) the data have to be erased for compliance with a legal obligation to which the controller is subject.
	1a. The application of paragraph 1 shall be dependent upon the ability of the controller to verify that the person requesting the erasure is the data subject.		
		1a. The data subject shall have also the right to obtain from the controller the erasure of personal data concerning him or her, without undue delay, if the data have been collected in relation to the offering of information society services referred to in Article 8(1).	1a. The data subject shall have also the right to obtain from the controller the erasure of personal data concerning him or her, without undue delay, if the data have been collected pursuant to Article 8.

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.	2. Where the controller referred to in paragraph 1 has made the personal data public ***without a justification based on Article 6(1)***, it shall take all reasonable steps~~, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication~~ ***to have the data erased, including by third parties, without prejudice to Article 77. The controller shall inform the data subject, where possible, of the action taken by the relevant third parties.***	***deleted***	

		2a. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the data, that the data subject has requested the erasure by such controllers of any links to, or copy or replication of that personal data.	2a. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the data, that the data subject has requested the erasure by such controllers of any links to, or copy or replication of that personal data.
3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:	3. The controller ***and, where applicable, the third party*** shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:	3. ~~The controller shall carry out the erasure without delay, except~~ ***Paragraphs 1 and 2a shall not apply*** to the extent that ~~the retention~~ ***processing*** of the personal data is necessary:	3. Paragraphs 1 and 2a shall not apply to the extent that processing of the personal data is necessary:
(a) for exercising the right of freedom of expression in accordance with Article 80;	(a) for exercising the right of freedom of expression in accordance with Article ~~80~~;	(a) for exercising the right of freedom of expression ~~in accordance with Article 80~~ ***and information***;	(a) for exercising the right of freedom of expression and information;

		(b) ***for compliance with a legal obligation which requires processing of personal data by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;***	(b) for compliance with a legal obligation which requires processing of personal data by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
(b) for reasons of public interest in the area of public health in accordance with Article 81;	(b) for reasons of public interest in the area of public health in accordance with Article 81;	(~~b~~***c***) for reasons of public interest in the area of public health in accordance with Article ~~81~~***9(2)(h) and (hb) as well as Article 9(4)***;	(c) for reasons of public interest in the area of public health in accordance with Article 9(2)(h) and (hb) as well as Article 9(4);
(c) for historical, statistical and scientific research purposes in accordance with Article 83;	(c) for historical, statistical and scientific research purposes in accordance with Article 83;	(~~c~~***d***) for ***archiving purposes in the public interest or for*** **scientific,** historical, statistical and **historical**~~scientific research~~ purposes in accordance with Article 83;	(d) for archiving purposes in the public interest or for scientific, historical, statistical and historical purposes in accordance with Article 83;
(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;	(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the right to the protection of personal data and be proportionate to the legitimate aim pursued;	***deleted***	

(e) in the cases referred to in paragraph 4.	(e) in the cases referred to in paragraph 4.	***deleted***	
		(g) for the establishment, exercise or defence of legal claims.	(g) for the establishment, exercise or defence of legal claims.
4. Instead of erasure, the controller shall restrict processing of personal data where:	4. Instead of erasure, the controller shall restrict processing of personal data ***in such a way that it is not subject to the normal data access and processing operations and cannot be changed anymore,*** where:	***deleted***	
(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;	(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;	***deleted***	
(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for purposes of proof;	(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for purposes of proof;	***deleted***	
(c) the processing is unlawful and the data subject opposes their erasure and requests the restriction of their use instead;	(c) the processing is unlawful and the data subject opposes their erasure and requests the restriction of their use instead;	***deleted***	

	(ca) a court or regulatory authority based in the Union has ruled as final and absolute **than the processing** ***~~that the data~~ concerned must be restricted;***		
(d) the data subject requests to transmit the personal data into another automated processing system in accordance with Article 18(2).	(d) the data subject requests to transmit the personal data into another automated processing system in accordance with ***paragraphs 2a of*** Article ~~18(2).~~***15;***	***deleted***	
	(da) the particular type of storage technology does not allow for erasure and has been installed before the entry into force of this Regulation.		
5. Personal data referred to in paragraph 4 may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or for the protection of the rights of another natural or legal person or for an objective of public interest.	5. Personal data referred to in paragraph 4 may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or for the protection of the rights of another natural or legal person or for an objective of public interest.	***deleted***	

6. Where processing of personal data is restricted pursuant to paragraph 4, the controller shall inform the data subject before lifting the restriction on processing.	6. Where processing of personal data is restricted pursuant to paragraph 4, the controller shall inform the data subject before lifting the restriction on processing.	***deleted***	
7. The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.	***deleted***	***deleted***	
8. Where the erasure is carried out, the controller shall not otherwise process such personal data.	8. Where the erasure is carried out, the controller shall not otherwise process such personal data.	***deleted***	
	8a. The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.		
9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:	9. The Commission shall be empowered to adopt***, after requesting an opinion of the European Data Protection Board,*** delegated acts in accordance with Article 86 for the purpose of further specifying:	***deleted***	

(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;	(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;	***deleted***	
(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;	(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;	***deleted***	
(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.	(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.	***deleted***	
		Article 17a	***Article 17a***
		Right to restriction of processing	***Right to restriction of processing***
		1. The data subject shall have the right to obtain from the controller the restriction of the processing of personal data where:	1. The data subject shall have the right to obtain from the controller the restriction of the processing of personal data where:
		(a) the accuracy of the data is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;	(a) the accuracy of the data is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;

			(ab) the processing is unlawful and the data subject opposes the erasure of the data and requests the restriction of their use instead;

		(b) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; or	(b) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; or
		(c) he or she has objected to processing pursuant to Article 19(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.	(c) he or she has objected to processing pursuant to Article 19(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.
		2.	
		3. Where processing of personal data has been restricted under paragraph 1, such data may, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest.	3. Where processing of personal data has been restricted under paragraph 1, such data may, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest.

		4. A data subject who obtained the restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.	4. A data subject who obtained the restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.
		Article 17b	***Article 17b***
		Notification obligation regarding rectification, erasure or restriction	***Notification obligation regarding rectification, erasure or restriction***
		The controller shall communicate any rectification, erasure or restriction of processing carried out in accordance with Articles 16, 17(1) and 17a to each recipient to whom the data have been disclosed, unless this proves impossible or involves disproportionate effort.	The controller shall communicate any rectification, erasure or restriction of processing carried out in accordance with Articles 16, 17(1) and 17a to each recipient to whom the data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests this.

Article 18	*Article 18*	*Article 18*	~~*Article 18*~~
	Amendment 113		
Right to data portability	***Right to data portability***	***Right to data portability***	~~***Right to data portability***~~
1. The data subject shall have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject.	***deleted***	***deleted***	
2. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom the personal data are withdrawn.	***deleted***	2. ~~Where t~~***T***he data subject ~~has provided~~ ***shall have the right to receive*** the personal data ***concerning him or her, which he or she has provided*** ~~and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in an electronic~~	2. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured and commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the data have been provided, where:

		~~format which is~~ ***to a controller, in a structured and*** commonly used ***and machine-readable format and have the right to transmit those data to another controller*** without hindrance from the controller ~~from whom the personal data are withdrawn~~ ***to which the data have been provided, where***:	
		(a) the processing is based on consent pursuant to point (a) of Article 6(1)or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and	(a) the processing is based on consent pursuant to point (a) of Article 6(1)or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and
		(b) the processing is carried out by automated means.	(b) the processing is carried out by automated means.
			2a0. (new). Where technically feasible and available, the data may be transmitted directly from controller to controller at the request of the data subject.
		2a. The exercise of this right shall be without prejudice to Article 17. The right referred to in paragraph 2 shall not apply to processing necessary for the performance of a task carried out	2a. The exercise of this right shall be without prejudice to Article 17. The right referred to in paragraph 2 shall not apply to processing necessary for the performance of a task carried out in the public

		in the public interest or in the exercise of official authority vested in the controller.	interest or in the exercise of official authority vested in the controller.

		2aa. The right referred to in paragraph 2 shall not apply if disclosing personal data would infringe intellectual property rights in relation to the processing of those personal data.	2aa. The right referred to in paragraph 2 shall not adversely affect intellectual property rights in relation to the processing of those personal data.
3. The Commission may specify the electronic format referred to in paragraph 1 and the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).	***deleted***	***deleted***	

SECTION 4 RIGHT TO OBJECT AND PROFILING	SECTION 4 RIGHT TO OBJECT AND PROFILING	SECTION 4 RIGHT TO OBJECT AND ~~PROFILING~~ *AUTOMATED INDIVIDUAL DECISION MAKING*	SECTION 4 RIGHT TO OBJECT AND ~~PROFILING~~ *AUTOMATED INDIVIDUAL DECISION MAKING*
Article 19	***Article 19***	***Article 19***	~~***Article 19***~~
Right to object	***Right to object***	***Right to object***	~~***Right to object***~~
	Amendment 114		
1. The data subject shall have the right to object, on grounds relating to their particular situation, at any time to the processing of personal data which is based on points (d), (e) and (f) of Article 6(1), unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or fundamental rights and freedoms of the data subject.	1. The data subject shall have the right to object~~, on grounds relating to their particular situation,~~ at any time to the processing of personal data which is based on points (d)~~,~~ ***and*** (e) ~~and (f)~~ of Article 6(1), unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or fundamental rights and freedoms of the data subject**.**	1. The data subject shall have the right to object, on grounds relating to ~~their~~ ***his or her*** particular situation, at any time to the processing of personal data ***concerning him or her*** which is based on points (e) ~~and~~ ***or*** (f) of Article 6(1)***; the first sentence of Article 6(4) in conjunction with point (e) of Article 6(1) or the second sentence of Article 6(4). The controller shall*** **no longer process** ***the personal data*** unless the controller demonstrates compelling legitimate grounds for	1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her which is based on points (e) or (f) of Article 6(1); the first sentence of Article 6(4) in conjunction with point (e) of Article 6(1) or the second sentence of Article 6(4). The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for

		the processing which override the interests**,** ~~or fundamental~~ rights and freedoms of the data subject ***or for*** **the establishment, exercise or defence of legal claims**.	the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object free of charge to the processing of their personal data for such marketing. This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.	2. Where ***the processing of*** personal data ~~are processed for direct marketing purposes~~ ***is based on point (f) of Article 6(1)***, the data subject shall have, ***at any time and without any further justification,*** the right to object free of charge ***in general or for any particular purpose*** to the processing of his or her personal data ~~for such marketing~~. ~~This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.~~	2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object ~~free of charge~~ ***at any time*** to the processing of ~~their~~ personal data ***concerning him or her*** for such marketing. ***At the latest at the time of the first communication with the data subject,*** ~~T~~***t***his right shall be explicitly ~~offered to~~ ***brought to the attention of*** the data subject ~~in an intelligible manner~~ and shall be ~~clearly distinguishable~~ ***presented clearly and separately*** from ***any*** other information.	2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to the processing of personal data concerning him or her for such marketing. At the latest at the time of the first communication with the data subject, this right shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.

	2a. The right referred to in paragraph 2 shall be explicitly offered to the data subject in an intelligible manner and form, using clear and plain language, in particular if addressed specifically to a child, and shall be clearly distinguishable from other information.		
		2a. Where the data subject objects to the processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.	2a. Where the data subject objects to the processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
	2b. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the right to object may be exercised by automated means using a technical standard which allows the data subject to clearly express his or her wishes.		

		2aa. Where personal data are processed for historical, statistical or scientific purposes the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.	2aa. Where personal data are processed for historical, statistical or scientific purposes the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
3. Where an objection is upheld pursuant to paragraphs 1 and 2, the controller shall no longer use or otherwise process the personal data concerned.	3. Where an objection is upheld pursuant to paragraphs 1 and 2, the controller shall no longer use or otherwise process the personal data concerned ***for the purposes determined in the objection***.	***deleted***	

Article 20	*Article 20*	*Article 20*	~~*Article 20*~~
	Amendment 115		
Measures based on profiling	~~***Measures based on profiling***~~***Profiling***	~~***Measures based on profiling***~~**Automated individual decision making**	**Automated individual decision making**
1. Every natural person shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour.	1. ***Without prejudice to the provisions in Article 6,*** ~~Every~~ ***every*** natural person shall have the right ***to object*** ~~not~~ to ~~be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour~~ ***profiling in accordance with Article 19. The data subject shall be informed about the right to object to profiling in a highly visible manner.***	1. ~~Every natural person~~ ***The data subject*** shall have the right not to be subject to a ~~measure which produces legal effects concerning this natural person or significantly affects this natural person, and which~~ ***decision*** ~~is~~based solely on automated processing,~~intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour~~***including profiling, which produces legal effects concerning him or her or significantly affects him or her***.	1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or significantly affects him or her.

		1a. Paragraph 1 shall not apply if the decision:	1a. Paragraph 1 shall not apply if the decision:
		(a) is necessary for entering into, or performance of, a contract between the data subject and a data controller ; or	(a) is necessary for entering into, or performance of, a contract between the data subject and a data controller ; or
		(b) is authorized by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or	(b) is authorized by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
		(c) is based on the data subject's explicit consent.	(c) is based on the data subject's explicit consent.
		1b. In cases referred to in paragraph 1a (a) and (c) the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.	1b. In cases referred to in paragraph 1a (a) and (c) the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

2. Subject to the other provisions of this Regulation, a person may be subjected to a measure of the kind referred to in paragraph 1 only if the processing:	2. Subject to the other provisions of this Regulation, a person may be subjected to ~~a measure of the kind referred to in paragraph 1~~ ***profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject*** only if the processing:	***deleted***	
(a) is carried out in the course of the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied or where suitable measures to safeguard the data subject's legitimate interests have been adduced, such as the right to obtain human intervention; or	(a) is ~~carried out in the course of~~ ***necessary for*** the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied ~~or where~~***, provided that*** suitable measures to safeguard the data subject's legitimate interests have been adduced~~, such as the right to obtain human intervention~~; or	***deleted***	
(b) is expressly authorized by a Union or Member State law which also lays down suitable measures to safeguard the data subject's legitimate interests; or	(b) is expressly authorized by a Union or Member State law which also lays down suitable measures to safeguard the data subject's legitimate interests;	***deleted***	

(c) is based on the data subject's consent, subject to the conditions laid down in Article 7 and to suitable safeguards.	(c) is based on the data subject's consent, subject to the conditions laid down in ~~Article~~ 7 and to ~~suitable~~ safeguards.	***deleted***	
3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person shall not be based solely on the special categories of personal data referred to in Article 9.	***3.*** ~~Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person~~ ***Profiling that has the effect of discriminating against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, sexual orientation or gender identity, or that results in measures which have such effect, shall be prohibited. The controller shall implement effective protection against possible discrimination resulting from profiling. Profiling*** shall not be based solely on the special categories of personal data referred to in Article 9.	~~3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person~~ ***Decisions referred to in paragraph 1a*** shall not be based ~~solely~~ on ~~the~~ special categories of personal data referred to in Article 9***(1), unless points (a) or (g) of Article 9(2) apply and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.***	3. Decisions referred to in paragraph 1a shall not be based on special categories of personal data referred to in Article 9(1), unless points (a) or (g) of Article 9(2) apply and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

4. In the cases referred to in paragraph 2, the information to be provided by the controller under Article 14 shall include information as to the existence of processing for a measure of the kind referred to in paragraph 1 and the envisaged effects of such processing on the data subject.	***deleted***	***deleted***	
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for suitable measures to safeguard the data subject's legitimate interests referred to in paragraph 2.	***5.*** ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for~~ ***Profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject shall not be based solely or predominantly on automated processing and shall include human assessment, including an explanation of the decision reached after such an assessment. The*** suitable measures to safeguard the data subject's legitimate interests referred to in	***deleted***	

	paragraph 2 ***shall include the right to obtain human assessment and an explanation of the decision reached after such assessment.***		
	5a. The European Data Protection Board shall be entrusted with the task of issuing guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for further specifying the criteria and conditions for profiling pursuant to paragraph 2.		5a. The European Data Protection Board shall be entrusted with the task of issuing guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for further specifying the criteria and conditions for profiling.

	Amendment 207		
	Annex (new)		
	Presentation of the particulars referred to in Article 13a		

1) Having regard to the proportions referred to in point 6, particulars shall be provided as follows:

	No personal data are **collected** beyond the minimum necessary for each specific purpose of the processing	
	No personal data are **retained** beyond the minimum necessary for each specific purpose of the processing	
	No personal data are **processed** for purposes other than the purposes for which they were collected	
	No personal data are **disseminated** to commercial third parties	
	No personal data are **sold or rented out**	
	No personal data are retained in **unencrypted** form	

2) The following words in the rows in the second column of the table in point 1, entitled "ESSENTIAL INFORMATION", shall be formatted as bold:

a) the word "collected" in the first row of the second column;

b) the word "retained" in the second row of the second column;

c) the word "processed" in the third row of the second column;

d) the word "disseminated" in the fourth row of the second column;

e) the word "sold and rented out" in the fifth row of the second column;

f) the word "unencrypted" in the sixth row of the second column.

3) Having regard to the proportions referred to in point 6, the rows in the third column of the table in point 1, entitled "FULFILLED", shall be completed with one of the following two graphical forms in accordance with the conditions laid down under point 4:

a)



b)



4)
a) If no personal data are collected beyond the minimum necessary for each specific purpose of the processing, the first row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

b) If personal data are collected beyond the minimum necessary for each specific purpose of the processing, the first row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

c) If no personal data are retained beyond the minimum necessary for each specific purpose of the processing, the second row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

d) If personal data are retained beyond the minimum necessary for each specific purpose of the processing, the second row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

e) If no personal data are processed for purposes other than the purposes for which they were collected, the third row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

f) If personal data are processed for purposes other than the purposes for which they were collected, the third row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

g) If no personal data are disseminated to commercial third parties, the fourth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

h) If personal data are disseminated to commercial third parties, the fourth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

i) If no personal data are sold or rented out, the fifth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

j) If personal data are sold or rented out, the fifth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

k) If no personal data are retained in unencrypted form, the sixth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

l) If personal data are retained in unencrypted form, the sixth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

5) The reference colours of the graphical forms in point 1 in Pantone are Black Pantone No 7547 and Red Pantone No 485. The reference colour of the graphical form in point 3a in Pantone is Green Pantone No 370. The reference colour of the graphical form in point 3b in Pantone is Red Pantone No 485.

6) The proportions given in the following graduated drawing shall be respected, even where the table is reduced or enlarged:

